

Establishment of an Army School at Kittur in Belgaum District.

*Q.—729. Sri M. N. NAGHNOOR (Sampagaon II).—

Will the Government be pleased to state:—

(a) whether there is a proposal to establish an Army School at Kittur in Belgaum District;

(b) if so, whether they have moved the Central Government in this behalf?

A.—Sri S. R. KANTHI (Minister for Education).—

(a) No.

(b) Does not arise in view of reply to (a) above.

Conversion of Kollegal Panchayat into a Municipality.

*Q.—762. Sri G. V. GOWDA (Palya).—

Will the Government be pleased to state;

(a) whether it is a fact as that they had called for objection for the conversion of the Kollegal Panchayat into a Municipality;

(b) whether it is a fact that no objections were preferred within the stipulated time;

(c) whether the Government deferred the question of converting the Kollegal Panchayat into a Municipality and if so, the reasons therefor?

A.—Sri K. PUTTASWAMY (Minister for Municipal Administration).—

(a) Yes.

(b) Yes.

(c) The question of converting Kollegal Panchayat into a Municipality is dropped for the present owing to certain legal difficulties.

Sending of Reserve Police to Honniganahalli in Sathanur Hobli, Kanakapura Taluk.

*Q.—568. Sri K. S. SHIVALINGE GOWDA (Virupakshipura).—

Will the Government be pleased to state:—

(a) whether it is a fact that Reserve Police had been sent to

Honniganahalli in Sathanur Hobli, Kanakapura Taluk, on 12-6-1962;

(b) if so, the reasons therefor?

A.—Sri R. M. PATIL (Minister for Home).—

(a) Yes.

(b) For maintenance of law and order.

Admissibility of *Re*: Deaths of 62 persons in K. G. F. as a result of consumption of certain intoxicated Drinks—Chair's ruling.

2-00 P.M.

Mr. SPEAKER.—As the Hon'ble Members are aware, the question of admissibility of the two notices of adjournment motion has been the subject of detailed discussion on the floor of the House during the past 3 days. The discussion has centred round the scope of item 7 of Rule 52 of our Rules of Procedure and Conduct of Business. This item says that an adjournment motion should not raise a question which is under adjudication by a court of law having jurisdiction in any part of India. Very elaborate arguments have been advanced by the Hon'ble Home Minister and Law Minister and several other Hon'ble Members. Though there have been rulings of our own Assembly to the effect that a matter can be held to be under adjudication by a court of law in criminal cases only when a charge sheet has been filed, arguments have been canvassed for a different position, namely that the filing of an F. I. R. accompanied by the imminence of the filing of a charge sheet would preclude the admission of an adjournment motion. Several cases of courts of law have been cited in support of this proposition. As this issue is a vital one and if existing rulings are reversed or modified, it would directly affect the constitutional rights conferred on our Legislature, I have considered it desirable to defer my ruling until I examine the question in greater detail. I will examine all the relevant authorities and give a ruling later.

re : THE RISE IN THE COLLEGE FEES

So far as the adjournment motions themselves are concerned, I would like to once again refer to the two notices *in extenso*. The notice of Hon'ble Members Sri Sivappa and Sri S. M. Krishna runs as follows: "To move 'that this House be adjourned to discuss a definite matter of urgent public importance, to wit, the situation arising out of the recent deaths of sixtytwo people at K. G. F. due to suspected poison in illicit intoxicant drinks.'" The notice of Hon'ble Member Sri Rajagopal is follows: "This House be adjourned to discuss the recent incident regarding the death of 62 persons between 15th and 18th instant in the K. G. F. area on account of consumption of poison in illicit liquor." In the first case, what is sought to be discussed is the situation arising out of the recent deaths of 62 people at K. G. F. due to suspected poison in illicit intoxicant drinks. The notice of the Hon'ble Member Sri Rajagopal wants to discuss a recent incident regarding the death of 62 persons. Before an adjournment motion can be admitted, it has to satisfy three conditions: firstly, it should be definite, secondly, it should be a matter of public importance, and thirdly, it should be urgent. So far as these two notices are concerned, there can be no doubt that it is a matter of public importance. Whether the number of deaths is 1 or 18 or 62, the incident itself would certainly be a matter of public importance. The notice must be held also to satisfy the requirement of definiteness. Though the actual number of deaths is subject of some difference and though the actual cause of death can only be definitely ascertained after the receipt of the Chemical Examiner's report, I am nonetheless inclined to hold that the two notices satisfy the requirement of definiteness.

The expression 'urgent' in relation to adjournment motions has two distinct connotations. Firstly, urgent means that it should be of recent occurrence and should be raised without delay. But this expression has also a second connotation and according to this, 'urgent' has been interpreted to mean that the subject should be such that the discussion would brook no

delay. This is because an adjournment motion will upset the pre-arranged programme of business and will have priority over business already put down for the day. The subject matter should be such that an immediate debate is called for and is essential. In the present case, I am afraid that it will be difficult to hold that the notices satisfy this requirement of urgency. As the statement of the Hon'ble Ministers made the other day discloses, all necessary steps have been taken by the Government to meet the so called situation. The deaths have already occurred and if there are any cases of people who have taken ill, even they will doubtless be receiving necessary medical aid. In any case, the two notices are limited only to the incident of death. This subject is not such that an immediate discussion is necessary to meet any particular situation that has arisen. A postponement of the debate is not likely to result in a failure to meet any situation of emergency. No such emergency necessitating an immediate discussion appears from the two notices. On the other hand, since the full facts are not before us and even the cause of death cannot be definitely known until the report of the Chemical Examiner is received, one can safely say that the debate, if allowed to take place now, would be premature and not based on ascertained and settled facts. On this ground therefore, I have to refuse consent to move them.

STATEMENT BY THE MINISTER FOR EDUCATION.
re : THE RISE IN THE COLLEGE FEES

Sri S. R. KANTHI (Minister for Education).—Sir, consequent on the formation of the New Mysore State on 1-11-1956 the question of affiliation of colleges.....

Sri S. SIVAPPA (Sravanabelagola).—On a point of order, Sir. This subject of increase in college fees is one of the subject matters of the no-confidence motion we have given notice of against this Ministry for its failure to respond to the call of the students. Our no-confidence motion has been admitted by